

RTOC
Full Caucus
May 13, 2015
US EPA Headquarters

Opening Prayer-Wicahpiluta Candelaria-Rumsen Ohlone/Apache Corina Gould – Chochenyo/Karkin Ohlone

Given by Alan Bacock.

Introductions/Roll call, Cornelius Antone, RTOC Tribal Co-Chair

Alexis Strauss, Deputy Regional Administrator

Alexis welcomed everyone to the meeting and expressed appreciation to federal partners. She thanked the Tribal Co-Chair, the Tribal Caucus and EPA Staff for the meetings. It is important to use the regular tribal operations committee meetings to come together.

Jane Diamond and Fran Schultz have both retired but very happy that she can introduce Bridget. Please make sure you meet Bridget while you're here. Maria Villanueva will be retiring this month.

Regional Administrator, Jared Blumenfeld couldn't be here today but is pursuing his goal of reaching all tribes and thankful for the tribes that hosted his visits. Gina McCarthy will be visiting Campo. Over years that we have worked together, the government to government relationship is key.

We'd like to talk what we know about the budget picture. Plan to give short presentation to Dry Creek Rancheria.

Bridget Coyle, Associate Director, Land Division

Very excited to be working with everyone. EPA is recognizing Santa Ynez Chumash today as a model for zero waste and food recovery. Chumash casino resort worked with EPA office on the food recovery challenge. Twenty-one percent (21%) of waste to landfills is food waste, the largest portion of waste that goes to landfill. Chumash, since 2013 has prevented over 13 tons of food waste going to the landfill. The composted over 16 tons of food scrap and started a free day old pastry giveaway program. Out of the 889 organization working with the food recovery challenge, only 2 are tribes. EPA would love to see more participation.

EPA Opening Remarks, Enrique Manzanilla, Director, Superfund Division, U.S. EPA Region 9

Treatment as a State for Water Quality Standards presented to Dry Creek Rancheria

Sections 303 and 401. Set water quality standards under 303 C and section 404

Food Recovery Challenge Award Presentation to Chumash Casino

Issues Review from Winter RTOC

Lori Lewis: 16 Action Items from Winter RTOC are posted online with the status. A couple from the list are:

- #5: Request for EPA to organize webinar on new GAP work plan to discuss such items as capacity building, indicators, outcomes, ETEP among others. Response by Laura Ebbert: if you need extra training or a personalized training, ask GAP officer to do a one on one.
- #9: what's happening to data collected using 106 funds? Response by Gayle Lewie: it's a long term discussion. Set up a meeting to set up dialogue with the state on that issue.

Reminders:

- Do you have compost, recycling containers? Take a moment and sort. There are containers in the room.
- Have grants.gov questions? Number to call: 1-800-518-4726.

Election yesterday for new term 2015-2017.

- New co-chair is Alan Bacock.
- NTOC representatives:
 - Arizona: Alex Cabillo
 - Nevada: Clifford Banuelos
 - California: Paula Britton

EPA Budget Presentation & Discussion, Enrique Manzanilla, Director, Superfund Division, U.S. EPA, Region 9 (powerpoint)

The President's request for FY 16 budgets went out last February and the agency as well as others are embarking on planning putting together the FY 17 budgets. Since 2012 congress hasn't acted on the President's budget request, basically acting on a continuing resolutions. It replicates the previous year's budget and for Region 9 there has been slight increase from FY 14-15.

Questions & comments:

David Lewis: When will the budget be announced?

Enrique Manzanilla: Congress should be considering this (the budget) in the next few months and announcing on October 1, 2015. Can't remember the last time that happened. What usually happens is they enact a continued resolution, replicating the previous year's budgets. If they don't enact the budget EPA gets shutdown.

**the Budget power point can be found on the EPA RTOC website.*

Tribal Caucus Budget Presentation, Alan Bacock, Budget Workgroup Lead, Big Pine Paiute Tribe
Five (5) priorities have been identified and the first is the General Assistance Program. It has been a foundation to establish a program. Stories will be shared so that everyone can get a better idea of what the Budget workgroup is doing.

David Lewis-Yavapai Apache Nation: When began to look at how to develop integrated solid waste management plans (SWMP), ran into problems. First couple years they looked at how they could create the draft. They received assistance from ITCA. They gave a basic description of mostly tribal data but not so much on solid waste part. Received support from EPA to consider hiring outside expertise on solid waste management. Planning is how they were able to put together that plan. Without the outside consultant's expertise in certain areas it would be difficult to create a plan that could address the 5 different components. After the plan was drafted, they looked at implementation. They hired another consultant to address how it could be implemented in different areas. With information that the consultant was able to provide, the staff re-established the recycling program and it looks like it is going to become very successful. Without the consultant they would still be going through a challenge. Tribes need support from project officers to utilize the EPA funding, to help develop the plans.

Alan Bacock: At Big Pine, before they had GAP they were sending water to Los Angeles. They [LA] loved their water because it was clean. But the reservation was drinking polluted water and didn't have an environmental presence. People didn't know about this contamination going on until GAP came on. We need local people in the community to see there is a need and to push. So that we can see improvement

for the human health. Today we still provide water to LA. But also a clean water source for our own people. That's what GAP has done and continues to do for us.

The 2nd Priority is CWA Section 106 with a request of \$9 million. Provides two basis for establishing a water program.

Alex Cabillo: We want to showcase what we have done with what little we have. Not only do tribes have 106 programs but states and territories do also. Worked with Hualapai for many years, they have a water resources program, and an environmental database that goes back and has water quality data for over 54 sites on their reservation. Hualapai Tribe has water quality standards. Primary focus is hiring tribal members. A lot of consultants that come work for us, Consultant's job is to train tribal members, and be technical advisors in the future. In GAP they have interlaced this capacity building. That's something they are working toward.

Tribes getting more involved in TMDL program and TAS program. Tribes have a personal relationship with the water. It means something to us. We need to share the successes of tribes. You can advocate for these types of issues. SB 14b validates our tribes work and maintenance of designated uses and maintenance of WQS. They have argued with EPA for funding for tribes. They want to see tribes share the successes of tribes for future generations.

Alan Bacock: Even when we look at trying to hold tribes harmless, when there is a funding level that is kind it may look like its good but tribes are trying to figure out ways to reduce the funds that they have. All of our needs can't be met because of the budget constraints.

3rd priority: CWA 319 program:

Lionel Puhuyesva: Hopi does have WQS and TAS and own ordinance for protection of their water resources. Started basic with GAP, 106 baseline then start getting into implementation with 319 to protect water ways. What Hopi has been concentrating on is their springs. We all know the value of water. Some of their villages still don't have water. They keep seeing, as the budget keeps decreasing, is that they keep having to do more with less. We, as tribes, get used to that but we need to get out of that mode and would like EPA to fight harder for that using that aspect. They [EPA] sees how much we do with what little we receive, but imagine what we could do with a lot more. May do some changes with the wetland stuff, everything is capacity building but can't do anything from the ground. We want to be able to protect our lands.

Alan Bacock: For some of these programs were really asking for targeted funding for tribes so that we will be able to know there is funding available for programs we established.

Continuing with Clean Air Act (CAA) funding - 103 and 105. With the CAA funding it provides for core funding for the air quality programs.

John Parada: He has worked for quite a few tribes. The Tribe he works for now doesn't have a 103 program. Everything you do is a success for your tribe one way or another. With other Tribes he established a monitoring station with co-located monitors for PM 2.5 and ozone. Used a contractor to install two net towers. Lots of training was needed to complete the air quality assessment, emissions inventory and record keeping. To obtain some of this training he took courses at NAU ITEP for 2 ½ yrs. The 1st year was training on monitors; the 2nd year was the start of data collection; the 3rd and 4th years more data was accumulated. All the data collected was able to show and justify the need for a 103 program. The Tribe was very remote yet located between two large cities. With the monitoring they were able to do, they were able to prove a point to meet attainment on reservation and after 3 years of submitted data was able to acquire a classification for attainment for PM 2.5. It's getting harder to be

classified as an attainment area. He did some ozone monitoring and there needs to be more of this. EPA needs to push for funds for 103 program and open doors for more tribes that are in need of this.

Alan Bacock: One struggle for tribes is that a lot don't have success stories for 103 and 105 because the funds aren't there.

Kelcey Stricker, Pechanga: The Tribe was excited to have their tribal implementation plan approved this past April. They were told Pechanga was first tribe to go from non-attainment to attainment for this particular standard and it couldn't have been done without the funding for clean air act grant. The problem with the flattening of funding is that over time you still have to do things. The tribe itself invested its own money in this program for equipment software upgrades because contracting with a technician not covered by the grant. The Tribe is also proud and happy to see the air quality improving. Dealing with turnover due to not being able to pay competitive wages or offer raises can be challenging to having a high quality program.

Alan Bacock: The 5th priority is something new. Everything is connected together, if we don't have SW Management correctly on reservations it leads to water quality issues. EPA recently tried to get a performance measure to be approved. That didn't go through. We need to have programs that continue to do activities of solid waste implementation.

Rob Roy: We need EPA support to advocate for continued funding. Tribes have made progress for solid waste and this program is being threatened. We need to strongly advocate for our actual needs. Some of those initial funding sources no longer exist. After the transfer station at La Jolla was built there was less illegal dumping. GAP still can be used to fund open dump clean-ups but GAP funds are stretched thin. Recently 15 tribes attended waste characterization trainings. There is value from technical assistance but funding for solid waste infrastructure is critical to properly managing solid waste. Zero waste, it is achievable. It is critically important that we have a wave of repeated success.

Alan Bacock: To close this portion of agenda, this is an overall recommendation. We'd like to increase funding, for benefit of the states and tribes. Creating ways to help move funds from states to tribes is a beneficial way to help fund some projects.

Enrique Manzanilla: The conversation isn't all about numbers, it's how you look at the work. Framing is always important to keep pushing that. It is important to have a consolidated picture. Things that help agency and others see the valuable work in Indian country. They will take this budget presentation to Jared. Various times the term mature tribal program was used. If you don't define it yourself someone else will.

Laura Ebbert: Let us know what kind of information you need from EPA. The demographics of the region, how many tribes have TAS for each program? If we let them know what kind of indicators we are looking for they can have RIPSC help to figure out how to define.

Nancy Woo: Once money is designated for tribes it stays within that bucket. Cautions all of us that due to the EPA budget, we have this late last minute hit called rescissions, it was unanticipated and they don't know the dollar amount. EPA is given a bill at the end of every fiscal year. Before they were able to De-obligate and re-obligate the money for the next fiscal year but that opportunity is diminishing before our eyes. Do not leave money on the table, spend it.

Laura Ebbert: if going to make budget revisions do it now.

BREAK

Central California Tribes-Updates/Success Story

Fred Carr, Electric Vehicle Coordinator, Kashia Band of Pomo Indians

Kashia were first inhabitant of coastal Sonoma County. There are currently 900 members living in the Sonoma and Mendocino county areas. The Tribe's environmental mission is to protect the air, land and water from pollution. The goal of this project is to require reliable environmentally clean transportation while simultaneously reducing the tribe's carbon footprint.

This project was made possible by the Metropolitan Transportation Commission (MTC). The Tribe's goal is to run a sustainable transportation pilot project and provide data on reduction of greenhouse gases, and petroleum fueled vehicles. Data included number of kilowatts, hours they used, and type of use.

The grant itself was awarded in 2013 for a 2 year term from July 2013 to June 2015. Initially the Tribe wanted to use electric vans, but there are none available in the U.S. at this time. The Tribe purchased 4 vehicles, two Rav4s-full electric, and C-Max Energies-plug in hybrids. At the end of the grant Kashia will own the vehicles.

The Tribe issued a request of Proposal for contractor to install electric charging stations. Out of 18 recipients of the RFP, 8 did walk through and 3 were picked. The perceived benefits of electric vehicles, is about using clean electricity. A state that doesn't depend heavily on coal is a better perceived benefit than one that does. The benefits of electric vehicles will continue to grow.

The Rancheria is in a remote area. The roads are narrow and slippery during the winter. They needed high ground vehicle. A full electric RAV 4 is good for Kashia. Note, electric vehicles tend to run 20% more In terms of purchase price.

The Tribe wanted to extend the funds received from MTC as far as they could. They identified a few patrons:

- Adopted Charger, finds sources of money like us, they get other grants on their own. They work with state parks to install charging stations.
- Sunspeed is a for profit organization. They are developing an electric vehicle corridor on Highway 1.
- REJ, a for profit contractor installed charging stations at the Tribal Office and Community Center.

The Tribe is currently in negotiations with Sonoma County Fleet to put charging stations at Lake Sonoma and Shone Farm with donated equipment.

Questions & comments:

Is there revenue off of these charging stations and who gets that?

A: The grantor and Sonoma Fleet just want data. The money charged for using the station goes to the owner of the unit.

Ren Reynolds: The ones that have gas, they have a fan belt and everything?

Nina Hapner: Yes, and they get excellent fuel mileage.

Alex Cabillo: Lifespan on these cars?

A: Generally speaking, about 10 years. It depends on how you drive them and how you charge them.

Companies, like Tesla are starting to make batteries you can change out.

Meyo Marrufo: What kind of traveling capacity?

Nina Hapner: If you have a lot of weight in the car and the air condition is on, it will affect the performance of the vehicle. We will be testing these such scenarios in the next few months.

LUNCH

UST and LUST Funding Opportunities, Rebecca Jamison, US EPA Region 9, Land Division, UST Program (Presentation on EPA RTOC website)

- EPA worked many years to clean up sites.
- Over the last 20 years, 57,000 UST sites listed, 297 of them on Indian country.
- Currently there are 195 operating gas stations in Indian Country. As required by federal law EPA or tribes inspect them and we've been very successful in increasing compliance.

Questions and Comments:

Alex Cabillo: On Hualapai you came out with brownfield technology. They did a geophysical assessment. The report is pretty abstract. The sense of it is there is metal debris but nothing to the extent of a tank or anything like that. Needed to talk to folks to say they don't have UST but some debris. Need to take a look at it and tell what she thinks.

Alan Bacock: one of things talked about during the budget part was integration of programs. It all impacts each other. Do you talk with or work with office of water? We talked about how tribes are at the core of watershed health and the head water places. If those get contaminated it could all the way down the line.

A: People are used to knowing if you have a LUST site you can always spend less LUST money on it. They don't see inspections going away. There is a federal mandate that facility get inspected every 2 years.

Dave Lewis: Congress is attempting to pass legislation to put the highway trust fund on better financial standing. If they succeed, is there any chance this money might be restored?

Q: If funding comes from gasoline sold and divided among the state. Why couldn't it be directly divided amongst tribes as well.

A: Don't have an exact answer, there was a funding formula developed 30 years ago.

Dave Lewis: tribes that don't have the 25 site requirement or funding how do they get inspected?

A: They will be inspected by EPA, ourselves, by the Region 9 tank inspector or if you become part of coalition, you have 15 facilities then you get a coalition tribal employee inspector.

NTOC Report and Updates

Melody Sees: On the conference call they talked about the executive meeting, talked about network exchange, talked about a lot about stuff we hear all the time. The network exchange is going to be a great place where you could put your information. They are spending a lot of money to do something that doesn't make sense. The network exchange is for reporting data. Gerald Wagner's directive today is to get in contact with Alex to get information to do presentation in June.

Melody Sees: They also talked about transportation of stuff in and out of bays. They wanting to know what tribes want in terms of technical assistance. So NTC is basically telling the people and EPA who are asking questions, whatever it is that EPA would need to take care of anything in our work. Anything they would need would be what tribes need in terms of technical assistance.

Alex Cabillo: One of things that Chairman Maines has done is outreach to all the technical workgroups that have information on media specific stuff to assist in developing the budget for EPA.

His tribal governance group is newest group. This stems from the national network exchange. There grantee for the network exchange is now ITEP. Before it was NCAI. The water quality and air data you get, we are required to do data submission to EPA. We have recipients of many grants in networks exchange. We were sharing and showcasing the two programs that make sense: water and air quality. Need to fix the process and ought to be funding opportunities for tribes to go out and gather environmental data that important for safety and welfare of their community.

Laura Ebbert: They asked in regions what would be a productive NTC discussion they could have. Region 9 along with OAR, we need a common understanding who is a mature tribe and what do tribes expect.

Melody Sees: They are asking for input on how to engage with tribal leadership more.

Alex Cabillo: He has an action item: Develop an example of what a mature tribe looks like.

Laura Ebbert: This topic should be talked about at August RTOC meeting.

Nina Hapner: When talking about mature funding it tend to revolve around the water programs. Within this action item ask that we don't center it on water. Solid waste program and air programs, we need to include those types of mature program and we define how we see those within our tribes and what we expect to see.

Marta Burg: There lots of tribes in Region 9 that aren't and don't really care about the funding to protect the funding to support their program. Let's be inclusive enough to recognize that in addition to this focus we need to continue to support tribes that are just starting out and not mature yet. There should be mutual support for all of it. Someone was asking how to engage with tribal leaders during the national tribal caucus conference call. I am confused and concerned about it, would like to have someone follow up and find out what they are talking about and who is asking.

Meyo Marrujo: Concerned that a definition will be put forth without fully vetting it with just the Tribal Caucus. Now it seems we will have to come up with a definition. We need to fully protect the smaller tribes. How will it affect the smaller tribes?

Tribal caucus Report, Co-Chair Antone

- Managers action item report, some more action items were added.
- The infrastructure task for Marta Burg and Rob Roy is working together on issues in Indian country, majority was for solid waste, working on identifying resources that exist out there.
- Walking water presentation by Alan Bacock.
- Infrastructure Taskforce Update
- Reviewed the action items from yesterday

Melody Sees: We need to find out if they ever did any studies on bees. Is the genetically modified plant pollen affecting pollinators also? It sounds like they don't know where all the GMO stuff is.

Marcy Katzin: They are going to be hosting a webinar on genetically engineered plants on June 11, 2015 10:00 am -11:30 am.

Engaging Tribal Nations in the Nuclear Regulatory Commission's (NRC) Regulatory Processes

In 1974 congress established NRC. It headed by 5 commissioners on staggered 5 year terms, with no more than 3 commissioners from one political party. NRC Headquarters is in Maryland. NRC regulates commercial nuclear reactors and research and test reactors. They also regulate nuclear waste, decommissioning of nuclear facilitates and provides physical protection of facilities. It's not the Department of energy.

Questions & comments:

Marta Burg: This is initial contact on behalf of a national interagency work team that she is participating in. I don't know how many tribes in the region or in the country are directly or potentially impacted by nuclear waste? During tomorrow sessions or some other time if the NRC has a role to play in waste management clean up or can they help find some other agencies or entities that may contribute to waste related issues.

A: They regulate waste from nuclear power plants, all that waste is stored at nuclear power plant. There's a lot mill tailings waste that they also regulate. Some of it is under DOE control.

Ronnie Ben: There is an aquifer site in Shiprock. Based on information he gathered, his hydrologist has been monitoring the stream there. There is a plume moving northwest toward the San Juan River and know that based on their studies, the capping is not working. In event of a rainstorm, a lot of the water is penetrating the cap and its leaking into the waste and the waste is being carried to our potential water sources. The last administration wanted the NRC and others that are working on the site to come out and revisit and take a look at what other alternatives. The last administration wanted the waste to be moved off the large community in Shiprock. Continues to be a concern today. Other sites, Church Rock and Tuba City, sites where the DOI was taking samples, monitoring sites, and for some reason they decided to stop that work. Really no remediation or monitoring going on. That is also a concern.

A: That is a site under DOE control, they do concur on those. In this conventional milling process. Even if cap isn't leaking sometimes it takes decades for this stuff to drain out.

Nina Hapner: the caps are leaking and if you concur on those what is your plan of action to correct that? Or help correct that? Water is precious and limited. Would hope that when someone says that it's leaking when it rains, it's time to really look at it.

A: Every year there is an annual report. They talk every year and every 2 years inspect the site.

Ronnie Ben. We all need to sit at a table and discuss this. The new administration needs to know what's going on. Look at issues at hand and look at data. Also what we can do to move forward to address the issues.

Enrique Manzanilla: We realize the issues being raised and that NRC has their own mechanisms in which to do it in terms of inspections. But also the way you would integrate tribes concerns into your process. That may be worth explaining then proposing some way of following up.

Paul: We do review the groundwork quality. We have a mechanism. Really don't know what the Shiprock site looks like.

Nina Hapner: Do you guys share water data or documents?

Ronnie Ben: Thanked Nina for the help. Speaking for tribes as a whole, we need to continue to work together to bring in the agencies. Glad NRC is here. Most of their meetings take place over phone and can't see the individual across from you.

Ren Reynolds: Noted that on page 97 of the document handed out has three sites in California.

Paul: These are sites that used to have reactors, decommissioning sites and former reactor sites

RTOC Charter Update and Vote, Paul Britton

- There has been a lot of work done on charter but not on the full charter since 2007.
- Not exactly sure what happened but fell into void. Had a call and started looking at the charter.
- So many ideas for revisions and things, made a couple of changes. The group met in Reno.
- Her goal is to get it approved.
- Some changes: alternates need to have a letter within 3 months. NTOC representatives asking for caucus approval to accept this charter.

Co-Chair Antone: Going to be tribal and EPA representatives that are going to vote.

Laura Ebbert: Would it be helpful to include that documents going out under the Co-chair need to be viewed by RTOC.

Majority voted in favor of changes for Charter.

Management & Technical Services Division Update- R9 Grants Management Office, Quality Assurance (power point)

- It's important you keep working on the grant when you get it. When you don't and it's been over 180 days they have to start contacting you.
- Cybersecurity practices are important.

Nina Hapner: There are requirements for cyber-security for some of things that deals with BIA. You have to do a security training webinar. Some of things cover cybersecurity. Would it be possible for EPA to do something like that for their programs?

Questions or comments:

- Where can the tribes find the language and by what date will they need to get back? Can you resend the language?
- May 19 was next call. Consultation period is from April 20th - June 20th. The action item is for folks to go look at the May newsletter.

Grants.gov

Vernese Gholson went over steps of how to submit your application package on grants.gov. (power point)

- Funding number are for continuing applications. New ones wouldn't be on this list.

Alex Cabillo: If continuing grants where do you figure out if you're a 01 or 02?

A: If you know the CFDA number it will take you there as well. Once submit application to the receiving, you get a confirmation email from grants.gov. If you don't receive a confirmation it hasn't been submitted.

Clifford Banuelos: While submitting EPA grant application a noticed stated his AOR is not updated. Called EPA and they said he was current.

A: For grants.gov if you can write the questions down to give to Laura to pass to them.

Q: When tomorrow are you going to do this?

Elizabeth Armor on bundling. When the tribe sends in a set of these forms and has cover letter.

Q: What are those that can be bundled?

A: Action item to follow up on the issue

Other Questions?

QAPP are good for 5 years. Do have to resubmit every 5 years.

Nina Hapner: Would appreciate a refresher for QA for water.

Eugenia: Happens to be the human health research for Region 9.

EPA Response to Tribal Caucus Report

- Corn responded to Action Items already
- From Central California – Sarah Ryan(?) and Audrey(?) will address
- Tribal caucus-GAP budget analysis – Laura Ebbert and Russell (?) will address.
- Rate of pay for employees under GAP grant. EPA supports COLA or promotions.
- Deldi Reyes on the EPA enforcement - has a concern and wants to learn more.

Review New Issues/Action Items, Meeting Facilitator, EPA

Vernese Ghoulson will be here in the morning to cover stuff on grants.gov. If you have any questions or if you want to go through a fictitious sample be here early.

Enrique Manzanilla: Is glad we have an impromptu grant session tomorrow and it's an important step when we enter into the new systems. Gave thanks to federal partners. Thanked EPA colleagues for thoughtful engagement in questions that come up. Thanks everyone. Welcomed Alan to the Co-Chair role. Thanked Corn Antone for doing this all these years. Good luck.

Co-Chair Antone: Thanked everyone. Last meeting is in August at Twin Arrows. Will send out information.

Adjourned at 5:02pm